IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

WP(C).No. 8666 of 2004(F)

PETITIONER:
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1. BIJU KURIAKOSE, AGED 34 YEARS,
S/O. KURIAKOSE, PARCKAL HOUSE, KOTHAMANGALAM.

2. SHIBU KURIAKOSE, AGED 37 YEARS,
S/O. KURIAKOSE, PARACKAL HOUSE, KOTHAMANGALAM.

BY ADV. SRI.G.ANANTHANARAYANAN

RESPONDENTS:
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1. KOTHAMANGALAM MUNICIPALITY,
REPRESENTED BY IT'S SECRETARY, KOTHAMANGALAM.

2. THE KOTHAMANGALAM MUNICIPAL COUNCIL,
REPRESENTED BY IT'S CHAIRMAN,
KOTHAMANGALAM MUNICIPALITY, KOTHAMANGALAM.

3. THE KERALA AGRICULTURAL RURAL
DEVELOPMENT SOCIETY (KARDS), REPRESENTED BY ITS
PRESIDENT, T.J. JOSE, THEKKILKADU HOUSE,
BLOCK OFFICE ROAD, KOTHAMANGALAM.

BY ADV. SRI.ALEXANDER JOSEPH FOR R1 & R2
SRI.V.GIRI FOR R3.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.C.NO.8666 OF 2004

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE PLAN APPROVED FOR CONSTRUCTION OF THE PETITIONERS' ROOMS ISSUED BY THE FIRST RESPONDENT.**
EXT.2(A)(B) & (C)	**TRUE COPY OF THE CERTIFICATE ISSUED BY THE FIRST RESPONDENT DATED 6-3-04**
EXT.P3 SERIES:	**TRUE COPY OF THE RECEIPTS SHOWING THE PAYMENT OF BUILDING TAX ISSUED BY THE FIRST RESPONDENT DTD. 16-4-03**
EXT.P4	**THE PHOTOGRAPH SHOWING THE CRIMINAL TRESPASS COMMITTED BY THE PRESIDENT OF THE THIRD RESPONDENT AND HIS MEN IN THE PETITIONERS' BUILDING.**
EXT.P5	**TRUE COPY OF THE APPEAL MEMORANDUM SUBMITTED BY THE PETITIONERS BEFORE THE SECOND RESPONDENT DTD. 19-4-03**
EXT.P6	**TRUE COPY OF THE JUDGMENT IN O.P.NO.14908/03 OF THIS COURT.**
EXT.P7 (A) & (B)	**TRUE COPY OF THE NOTICES ISSUED BY THE FIRST RESPONDENT.**
EXT.P8	**TRUE COPY OF THE REPRESENTATION DATED 2-9-03 ISSUED BY THE PETITIONERS BEFORE THE FIRST RESPONDENT.**
EXT.P9	**TRUE COPY OF THE REPORT OF THE FIRST RESPONDENT DATED 22-8-03**
EXT.P10	**TRUE COPY OF THE ACKNOWLEDGMENT RECEIPT ISSUED BY THE FIRST RESPONDENT OFFICE DATED 15-7-03 FOR ACCEPTANCE OF MEMORANDUM OF APPEAL DATED 19-4-03**
EXT.P11	**TRUE COPY OF THE APPLICATION OBTAINED BY THE PETITIONER FOR 18 ROOMS ON REMITTING THE REQUIRED FEE FROM THE FIRST RESPONDENT.**
EXT.P12	**TRUE COPY OF THE ALTERED APPLICATIONS DULY CERTIFIED BY THE FIRST RESPONDENT.**

/True Copy/

PA to Judge.

PIUS C.KURIAKOSE,J.

W.P.(C) NO. 8666 OF 2004

Dated this the 8th day of December, 2006

J U D G M E N T

The issue involved in this case has been decided against the stand taken by the petitioners in Writ petition No.16014 of 2004 and also Writ appeal No.742 of 2004 arising from WP(C) No.32204 of 2003. I am told by the learned counsel for the Municipality that those judgments have attained finality. Therefore, this writ petition will stand dismissed. However, dismissal will be without prejudice to the contentions raised by the petitioners and the 3rd respondent- Society in the ongoing civil litigation between them.

PIUS C.KURIAKOSE, JUDGE

Rp